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OVERTIME COMPENSATION IN  
ONTARIO COLLECTIVE AGREEMENTS  
August 1975

Number 9

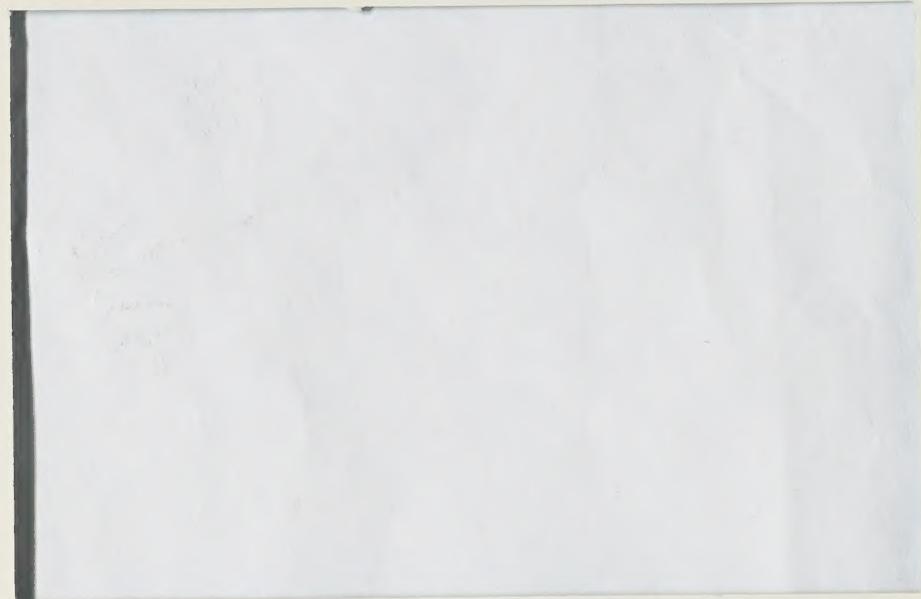


Ontario

Ministry of  
Labour      Research  
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Toronto  
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August 1975

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by  
Research Branch  
Ontario Ministry of Labour  
October 1975

Hon. Bette Stephenson, M.D.  
Minister

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Deputy Minister



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## INTRODUCTION

This paper is designed to give quick access to current information on major elements of overtime compensation provisions in Ontario collective agreements.

The information presented was drawn from an analysis of all Ontario collective agreements covering bargaining units of 200 or more employees working in industries other than construction and has been prepared to provide data that will be useful in bargaining situations. As of August 1975, when the analysis was prepared, there were 875 such agreements, covering 752,181 employees, on file with the Collective Agreements Library of the Ministry of Labour.

For further information, please call Beth Kendall Jess at 965-6886.

### OVERTIME COMPENSATION

Most collective agreements provide that an employee will be paid a premium or given compensating time off for work in excess of the regularly scheduled hours.

Table 1 shows, by industry, how many of the 875 agreements analyzed have provisions for overtime compensation for work performed after daily or weekly regular hours, on Saturday or Sunday, and on the sixth or seventh days. Tables 2 and 2A give details of the compensation for each of these types of overtime.

#### Summary

Almost all of the agreements analyzed contain provision for daily overtime; fewer have provisions for the other types of overtime, as the following tabulation shows.

#### Percentage of Ontario Collective Agreements with Provisions for Overtime Compensation

Type of Overtime Provision	All Industries (875 Agreements)	Manufacturing (472 Agreements)	Non-Manufacturing (403 Agreements)
	%	%	%
Daily	95	98	90
Weekly	50	44	56
Saturday	49	74	20
Sunday	63	87	34
Sixth day	42	35	51
Seventh day	41	37	46

Provisions for Saturday and Sunday overtime pay are more prevalent in manufacturing than in non-manufacturing agreements.

A slightly greater proportion of non-manufacturing agreements have provisions for sixth and seventh day overtime. In this sector, there are a number of industries (such as transportation and hospitals) where Saturday and Sunday might be regular workdays.

Time and one-half the regular rate of pay is the most common form of compensation specified for daily, weekly,

Saturday and sixth day overtime in the manufacturing sector. It is also the most prevalent in the non-manufacturing sector, but to a lesser extent; there is a corresponding increase in payment of double time and/or provision for a choice of time off or pay at time and one-half.

The most common form of compensation is payment of double time for Sunday overtime work and also for seventh day overtime in the manufacturing sector. In the non-manufacturing sector, seventh day overtime is compensated most commonly with time and one-half; an equal number of agreements pay either double time or provide a choice of double time off or paid.

In those agreements which provide additional pay after a specified number of overtime hours have been worked, the initial rate is generally time and one-half and the higher rate is double time.

#### Daily Overtime

Eight hundred and twenty-eight agreements (95 per cent of the 875 agreements examined, covering 96 per cent of the employees) specify that an employee working beyond regular daily hours will be paid a premium rate for the time worked or given compensating time off. Almost all of the 472 manufacturing agreements (98 per cent) have provisions for daily overtime compensation as have 90 per cent of the 403 non-manufacturing contracts.

As Tables 2 and 2A show, the most common form of compensation for daily overtime is to pay the employee time and one-half the regular hourly rate. This rate is more prevalent in manufacturing agreements, while a provision that gives the employee the choice between time and one-half pay or time and one-half off is more frequent in the non-manufacturing agreements as the following tabulation shows.

Most Common Forms of Daily Overtime Compensation

<u>Amount of Compensation</u>	All		Manufacturing		Non-Manufacturing	
	<u>Industries</u> Agmts.	<u>%</u>	<u>Manufacturing</u> Agmts.	<u>%</u>	<u>Manufacturing</u> Agmts.	<u>%</u>
Total with daily overtime prov.	828	100	464	100	364	100
Time and one-half	738	89	458	99	280	77
Choice of time off or pay at $1\frac{1}{2}$	44	5	1	(a)	43	12

(a) less than 1 per cent

Of the 828 agreements with provision for daily overtime compensation, 207 (25 per cent) provide that a higher rate shall be paid for additional overtime work performed after a specified number of hours following the scheduled daily hours. In 188 of these 207 agreements, the initial rate is time and one-half and the higher rate (in all but two of the agreements) is double time for all overtime hours worked in excess of the specified hours shown in the following tabulation.

Payment of Double Time After an Initial Daily Overtime Rate of Time and One-half

<u>Overtime Hours After Which Double Time is Paid</u>	<u>Number of Agreements</u>
2	14
3	32
4	115
5	4
6	1
8	14
Other	6

186

In those 19 agreements in which the initial overtime rate is other than time and one-half, the higher compensation is either a choice of time off or pay at varying rates, or it varies for different groups of employees.

Weekly Overtime

Four hundred and thirty-five agreements (50 per cent of the 875 agreements studied, covering 48 per cent of the employees) provide compensation for overtime worked after regular weekly hours. Fewer than half of the 472 manufacturing agreements (44 per cent) and more than half of the 403 non-manufacturing agreements (56 per cent) have provisions for weekly overtime compensation. There is no pyramiding of overtime payments: daily overtime and weekly overtime compensation are not both paid for the same hours worked.

The tabulation below shows that the most common form of compensation is payment of time and one-half the regular hourly rate, especially in the manufacturing sector. A choice of time and one-half off or time and one-half in pay is more frequent in the non-manufacturing agreements.

Most Common Forms of Weekly Overtime Compensation

Amount of Compensation	All		Manufacturing		Non-Manufacturing	
	Industries Agmts.	%	Manufacturing Agmts.	%	Non-Manufacturing Agmts.	%
Total with weekly overtime prov.	435	100	209	100	226	100
Time and one-half	399	92	206	99	193	85
Choice of time off or pay at 1½	14	3	1	(a)	13	6

(a) Less than 1 per cent

Higher premiums are provided after an initial number of overtime hours in 18(4 per cent) of the 435 agreements with provision for weekly overtime. In 13 of these, the initial rate is time and one-half and the higher rate is double time after the hours shown in the following tabulation; in the remaining 5 agreements where the initial rate is other than time and one-half, the higher rate is either a choice of time off or pay at varying rates, or it varies for different groups of employees.

Payment of Double Time After an Initial Weekly  
Overtime Rate of Time and One-half

<u>Overtime Hours After Which Double Time is Paid</u>	<u>Number of Agreements</u>
3	1
3½	1
8	5
10	3
More than 10	3
	13

Saturday Overtime

Four hundred and thirty-two agreements (49 per cent of the 875 agreements analyzed, covering 38 per cent of the employees) provide compensation for employees who work on a Saturday which is not part of their regular work schedule. Almost three-quarters of the 472 manufacturing agreements (74 per cent) provide Saturday overtime compensation. This provision is considerably less prevalent in the non-manufacturing sector where it appears in only 20 per cent of the 403 agreements.

Time and one-half is the most common rate of pay for Saturday overtime work, especially in the manufacturing sector, as the next tabulation shows. A higher proportion of the non-manufacturing agreements pay double time for Saturday work.

Most Common Forms of Saturday Overtime Compensation

<u>Amount of Compensation</u>	All		Manufacturing		Non- Manufacturing	
	<u>Industries</u>	<u>Agrts.</u>	<u>Agrts.</u>	<u>%</u>	<u>Agrts.</u>	<u>%</u>
Total with Saturday o/time prov.	432	100	350	100	82	100
Time and one- half	390	90	331	95	59	72
Double time	30	7	16	5	14	17

Higher premiums are provided after an initial number of overtime hours in 115 (27 per cent) of the 432 agreements with provision for Saturday overtime. In 109 of these, the

initial rate is time and one-half and the higher rate is double time; in the remaining 6 agreements both the initial and the higher rates vary.

Payment of Double Time After an Initial Saturday  
Overtime Rate of Time and One-half

<u>Overtime Hours After Which Double Time is Paid</u>	<u>Number of Agreements</u>
3	5
4	20
5	5
8	47
10	3
11	6
12	13
Other	10
	109

Sunday Overtime

Five Hundred and forty-eight agreements (63 per cent of the 875 agreements examined, covering 51 per cent of the employees) provide compensation for employees who work on a Sunday which is not part of their regular work schedule. A large majority of the 472 manufacturing agreements (87 per cent) provide Sunday overtime compensation. This provision is less common in the manufacturing sector (in 34 per cent of the 403 agreements).

Double time is the most common rate of pay for Sunday overtime work, especially in the manufacturing sector, followed by payment of time and one-half.

Most Common Forms of Sunday Overtime Compensation

<u>Amount of Compensation</u>	All		Manufacturing		Non- Manufacturing	
	<u>Industries</u> <u>Agmts.</u>	<u>%</u>	<u>Agmts.</u>	<u>%</u>	<u>Agmts.</u>	<u>%</u>
Total with Sunday over- time prov.	548	100	412	100	136	100
Time and one- half	110	20	70	17	40	29
Double time	409	75	333	81	76	56

In 24 of the 548 agreements with provision for Sunday overtime, double time is paid after an initial number of overtime hours paid at time and one-half, as shown below.

Payment of Double Time After an Initial Sunday  
Overtime Rate of Time and One-half

<u>Overtime Hours After Which Double Time is Paid</u>	<u>Number of Agreements</u>
3	1
4	1
8	22
<hr/>	
	24

In 10 other agreements the initial overtime rate varies; in 5 of these the higher rate also varies and in the other 5 the higher rate is triple time paid after 8 hours of overtime.

Sixth Day Overtime

Three hundred and seventy-one agreements (42 per cent of the 875 agreements analyzed, covering 60 per cent of the employees), provide compensation for hours worked on the sixth consecutive day of work or the first scheduled day off for employees whose regular schedule may include Saturday. Just over one-third (35 per cent) of the 472 manufacturing agreements have sixth day overtime provisions compared with 51 per cent of the 403 non-manufacturing contracts.

Pay for work on the sixth day is most frequently at the rate of time and one-half, especially in the manufacturing sector. A greater proportion of the agreements in the non-manufacturing sector specify double time pay or offer the choice of pay or time off at time and one-half.

Most Common Forms of Sixth Day Overtime Compensation

<u>Amount of Compensation</u>	All Industries		Manufacturing		Non-Manufacturing	
	<u>Agrts.</u>	<u>%</u>	<u>Agrts.</u>	<u>%</u>	<u>Agrts.</u>	<u>%</u>
Total with 6th day overtime prov.	371	100	166	100	205	100
Time and one-half	281	76	153	92	128	62
Double time	26	7	8	5	18	9
Choice of time off or pay at $1\frac{1}{2}$	42	11	-	-	42	20

In 49 of the 371 agreements providing sixth day overtime compensation, double time is paid after the initial rate of time and one-half for the hours shown below.

Payment of Double Time After an Initial Sixth Day Overtime Rate of Time and One-half

<u>Overtime Hours After Which Double Time is Paid</u>	<u>Number of Agreements</u>
4	7
$7\frac{1}{2}$	3
8	21
11	2
12	7
Other	9
	—
	49

In 11 other agreements the initial overtime rate varies: in 7 of these, the higher compensation is a choice of double time off or double pay after  $7\frac{1}{2}$  hours of overtime; in the other 4 agreements, the higher rate varies with different groups of employees.

Seventh Day Overtime

Three hundred and sixty-two agreements (41 per cent of the 875 agreements studied, covering 52 per cent of the employees) provide compensation for hours worked on the seventh

consecutive day or for employees whose regular work week may include Sunday. Over one-third of the 472 manufacturing agreements (37 per cent) have seventh day overtime provisions compared with 46 per cent of the 403 non-manufacturing agreements.

As the following tabulation shows, the most common form of seventh day compensation is double time in the manufacturing sector; in the non-manufacturing sector 44 per cent pay time and one-half and a further 44 per cent pay either double time or provide a choice of double time off or pay.

Most Common Forms of Seventh Day Overtime Compensation

<u>Amount of Compensation</u>	<u>All Industries</u>		<u>Manufacturing</u>		<u>Non-Manufacturing</u>	
	<u>Agmts.</u>	<u>%</u>	<u>Agmts.</u>	<u>%</u>	<u>Agmts.</u>	<u>%</u>
Total with 7th day overtime prov.	362	100	175	100	187	100
Time and one-half	137	38	54	31	83	44
Double time	166	46	117	67	49	26
Choice of double time off or pay	33	9	-	-	33	18

Higher rates of pay are specified in 12 of the 362 agreements with provision for seventh day overtime compensation. In 11 of these, the initial rate is time and one-half followed by double time for work in excess of the hours in the tabulation below; the remaining one pays double time and one-half after 10 hours.

Payment of Double Time After an Initial Seventh Day Overtime Rate of Time and One-half

<u>Overtime Hours After Which Double Time is Paid</u>	<u>Number of Agreements</u>
7½	2
7 3/4	2
8	4
11	1
Other	2
	—

### MEAL ALLOWANCES

In 286 agreements (33 per cent of the 875 agreements examined) employees who work overtime are supplied with a meal or a meal allowance.

The payment for a meal ranges from 75 cents to \$3.50 (with one exceptional case of \$7.50). The most common allowances are \$2.00 in 22 per cent of the agreements, \$1.50 in 15 per cent and \$2.50 in 11 per cent.

Meals are provided by the employer in 67 agreements and in a further 50 contracts the employer has the option of providing a meal or paying a meal allowance.

Employees usually must work a minimum number of overtime hours to qualify for a meal allowance as the following tabulation shows.

#### Amount of Meal Allowance Payable, by Hours of Overtime Worked to be Eligible for Such Allowances

Hours of Overtime to be Eligible	Amount of Meal Allowance						
	Up to \$1.50	\$1.51- \$2.00	\$2.01- \$2.50	\$2.51- or more	Meals Provided	Other	Total
1	7	4	1	2	9	-	23
1½	2	1	2	1	2	-	8
2	36	51	21	8	36	2	154
2½	-	-	-	-	1	-	1
3	9	19	22	4	4	-	58
4	5	-	1	2	12	1	21
Other	5	5	2	-	3	6	21
	—	—	—	—	—	—	—
Total	64	80	49	17	67	9	286

Over half (54 per cent) of the 286 agreements supply a meal or pay a meal allowance after 2 hours of overtime; of these 36 provide a meal, 27 pay \$2.00 and 22 pay \$1.50. The remainder vary from \$1.00 to \$7.50.

TABLE 1

## OVERTIME COMPENSATION PROVISIONS

In Ontario Collective Agreements Covering 200 or More Employees by Industry, as of August 1975

Industry	TOTAL WITH PROVISIONS FOR OVERTIME COMPENSATION					
	TOTAL ANALYZED		DAILY		WEEKLY	
	Agrts	Empls	Agrts	Empls	Agrts	Empls
All Industries .....	875	752,181	828	722,830	435	363,588
Manufacturing .....	472	301,199	464	295,754	209	156,033
Foods and beverages .....	43	19,902	43	19,902	27	10,216
Tobacco products .....	3	1,423	3	1,423	-	-
Rubber and plastic products ..	18	9,796	18	9,796	5	3,109
Leather industries .....	9	2,971	9	2,971	6	1,847
Textile mill products .....	28	11,604	26	10,944	16	5,178
Knitting mills .....	4	1,224	4	1,224	2	686
Clothing industries .....	9	9,080	9	9,080	9	9,080
Wood products .....	13	3,563	13	3,563	6	1,621
Furniture and fixtures .....	12	4,350	11	4,030	6	1,670
Paper and allied products ..	41	17,576	41	17,576	11	4,972
Printing and publishing ..	11	6,488	11	6,488	5	3,639
Primary metal industries ..	30	32,056	28	29,712	19	27,482
Metal fabricating .....	56	19,546	56	19,546	18	5,736
Machinery, except electrical ..	27	16,256	27	16,256	13	9,997
Transportation equipment ..	58	83,118	56	81,960	25	50,123
Electrical products .....	53	37,128	53	37,128	16	10,441
Non-metallic mineral products ..	20	9,122	20	9,122	14	5,375
Petroleum and coal products ..	3	1,328	3	1,328	-	-
Chemical and chemical products ..	15	6,777	15	6,777	5	1,810
Miscellaneous manufacturing ..	19	7,891	18	6,928	6	3,051
						16

TABLE 1 (Cont'd)

OVERTIME COMPENSATION PROVISIONS

In Ontario Collective Agreements Covering 200 or More Employees by Industry, as of August 1975

Industry	TOTAL WITH PROVISIONS FOR OVERTIME COMPENSATION					
	TOTAL ANALYZED		DAILY		WEEKLY	
	Agmts	Empls	Agmts	Empls	Agmts	Empls
All Industries .....	875	752,181	828	722,830	435	363,588
Non-Manufacturing .....	403	450,982	364	427,076	226	207,555
Forestry .....	12	6,177	12	6,177	10	5,290
Mining and quarrying .....	19	25,156	19	25,156	18	24,953
Transportation .....	35	49,429	34	48,985	16	34,038
Storage .....	2	1,925	1	1,700	1	225
Communications .....	14	39,348	12	38,748	5	31,672
Electric gas and water utilities .....	13	19,178	12	18,758	3	15,495
Wholesale trade .....	4	1,312	4	1,312	2	612
Retail trade .....	17	33,357	16	29,300	12	17,497
Finance, insurance and real estate .....	1	501	1	501	-	-
Education and related services	56	27,239	50	22,058	40	17,364
Health and welfare services .....	93	36,231	86	34,316	73	28,424
Recreational services .....	5	2,809	4	2,509	-	-
Business services .....	7	4,639	7	4,639	3	1,374
Personal services .....	16	7,250	12	4,883	10	5,368
Miscellaneous services .....	2	530	1	209	2	530
Federal administration	51	97,365	44	92,842	11	11,812
Provincial administration .....	5	64,742	5	64,742	-	-
Local administration .....	51	33,794	44	30,241	20	12,901
					82	66,003
					32	289,358

TABLE 1 (Cont'd)

## OVERTIME COMPENSATION PROVISIONS

In Ontario Collective Agreements Covering 200 or More Employees by Industry, as of August 1975

Industry	TOTAL ANALYZED		TOTAL WITH PROVISIONS FOR OVERTIME COMPENSATION					
	Agmts	Empls	SUNDAY		SIXTH DAY		SEVENTH DAY	
			Agmts	Empls	Agmts	Empls	Agmts	Empls
All Industries .....	875	752,181	548	386,416	371	454,886	362	392,834
Manufacturing .....	472	301,199	412	254,133	166	157,827	175	149,414
Foods and beverages .....	43	19,902	38	17,711	20	9,535	21	11,693
Tobacco products .....	3	1,423	3	1,423	-	-	-	-
Rubber and Plastic products .....	18	9,796	18	9,796	-	-	-	-
Leather industries .....	9	2,971	5	1,822	1	332	1	332
Textile mill products .....	28	11,604	21	8,632	8	4,381	7	4,141
Knitting mills .....	4	1,224	3	961	1	263	2	729
Clothing industries .....	9	9,080	3	1,732	-	-	3	1,732
Wood products .....	13	3,563	13	3,563	6	1,901	5	1,653
Furniture and fixtures .....	12	4,350	11	4,030	1	323	1	323
Paper and allied products .....	41	17,576	40	17,014	28	13,298	27	12,375
Printing and publishing .....	11	6,488	9	5,978	5	2,628	4	2,378
Primary metal industries .....	30	32,056	21	10,253	12	18,282	13	17,612
Metal fabricating .....	56	19,546	51	17,708	15	6,907	16	7,205
Machinery, except electrical...	27	16,256	26	15,881	6	4,734	6	4,734
Transportation equipment .....	58	83,118	55	81,435	24	66,371	26	54,806
Electrical products .....	53	37,128	50	36,006	17	19,254	17	18,904
Non-metallic mineral products .....	20	9,122	17	7,895	5	2,007	6	2,307
Petroleum and coal products .....	3	1,328	1	778	3	1,328	3	1,328
Chemical and chemical products .....	15	6,777	9	3,912	9	4,637	12	5,516
Miscellaneous manufacturing .....	19	7,891	18	7,603	5	1,646	5	1,646

TABLE 1 (Cont'd)

## OVERTIME COMPENSATION PROVISIONS

In Ontario Collective Agreements covering 200 or More Employees by Industry, as of August 1975

Industry	TOTAL WITH PROVISIONS FOR OVERTIME COMPENSATION					
	TOTAL ANALYZED		SUNDAY		SEVENTH DAY	
	Agmts	Empls	Agmts	Empls	Agmts	Empls
All Industries .....	875	752,181	548	386,416	371	454,886
Non-Manufacturing .....	403	450,982	136	132,283	205	297,059
Forestry .....	12	6,177	12	6,177	12	6,177
Mining and quarrying .....	19	25,156	5	19,365	2	1,787
Transportation .....	35	49,429	15	23,156	21	731
Storage .....	2	1,925	2	1,925	-	35,434
Communications .....	14	39,348	1	300	6	7,007
Electric gas and water utilities .....	13	19,178	9	17,252	10	18,249
Wholesale trade .....	4	1,312	3	912	1	400
Retail trade .....	17	33,357	14	26,242	13	26,703
Finance, insurance and real estate .....	1	501	-	-	1	501
Education and related services	56	27,239	37	13,282	11	7,558
Health and welfare services .....	93	36,231	11	4,723	46	16,477
Recreational services .....	5	2,809	1	250	1	1,800
Business services .....	7	4,639	1	915	3	1,655
Personal services .....	16	7,250	-	-	9	4,181
Miscellaneous services .....	2	530	-	-	-	-
Federal administration .....	51	97,365	5	3,903	49	96,553
Provincial administration .....	5	64,742	-	-	5	64,742
Local administration .....	51	33,794	20	13,881	15	8,891

TABLE 2

INITIAL OVERTIME RATES

In Ontario Collective Agreements, covering 200 or More Employees, as of August 1975

OVERTIME PREMIUM	NUMBER OF AGREEMENTS WITH PROVISION					
	DAILY OVERTIME	WEEKLY OVERTIME	OVERTIME ON SATURDAY	OVERTIME ON SUNDAY	OVERTIME ON SIXTH DAY	OVERTIME ON SEVENTH DAY
<u>PAY AT:</u>						
Straight time	-	-	1	-	-	-
Time & one-quarter	-	-	-	1	-	-
Time & one-half	738	399	390	110	281	137
Time & three-quarters	3	-	-	-	2	2
Double time	3	1	30	409	26	166
Double & one-half	-	-	-	4	-	-
Triple time	-	-	-	1	-	-
<u>TIME OFF:</u>						
Equivalent amount	1	2	-	-	-	-
Time & one-half	-	1	-	-	-	-
<u>CHOICE OF EQUIVALENT TIME OFF OR PAY AT:</u>						
Straight time	3	2	-	-	2	2
Time & one-half	18	10	2	2	8	7
<u>CHOICE OF TIME OFF OR PAY AT:</u>						
1½ time or 1½ pay	44	14	2	1	42	8
2 time or 2 pay	-	-	2	7	1	33
<u>VARIES WITH EMPLOYEES</u>						
OTHER	12	5	3	2	7	4
TOTAL	828	435	432	548	371	362

TABLE 2A  
INITIAL OVERTIME RATES

In Ontario Collective Agreements, covering 200 or more Employees, as of August 1975

OVERTIME PREMIUM	NUMBER OF EMPLOYEES COVERED					
	DAILY OVERTIME	WEEKLY OVERTIME	OVERTIME ON SATURDAY	OVERTIME ON SUNDAY	OVERTIME ON SIXTH DAY	OVERTIME ON SEVENTH DAY
<u>PAY AT:</u>						
Straight time	-	-	241	-	-	-
Time & one-quarter	-	-	-	293	-	-
Time & one-half	545,170	329,747	245,859	71,099	334,358	164,660
Time & three-quarters	774	-	-	-	550	550
Double time	1,076	276	15,850	285,884	32,202	179,810
Double & one-half	-	-	-	1,135	-	-
Triple time	-	-	-	275	-	-
<u>TIME OFF:</u>						
Equivalent amount	202	2,631	-	-	-	-
Time & one-half	-	633	-	-	-	-
<u>CHOICE OF EQUIVALENT TIME OFF OR PAY AT:</u>						
Straight time	3,171	1,649	-	-	1,801	1,801
Time & one-half	69,882	3,014	1,177	1,177	3,560	2,785
<u>CHOICE OF TIME OFF OR PAY AT:</u>						
1½ time or 1½ pay	74,507	7,756	911	450	73,589	4,412
2 time or 2 pay	-	-	801	4,040	521	34,352
<u>VARIES WITH EMPLOYEES</u>						
OTHER	25,802	17,611	15,059	909	7,855	2,862
TOTAL	2,246	271	460	21,154	450	1,602
	722,830	363,588	289,358	386,416	454,886	392,834





